

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

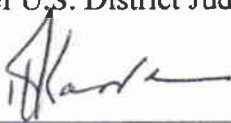
Standing Order 14-2

ORDER OF COURT

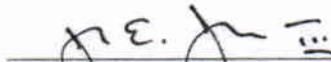
The Court hereby adopts the attached policy regarding the Pretrial Diversion Program which replaces Standing Order 93-7.



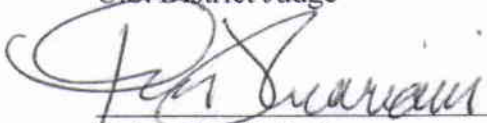
Christopher C. Conner
Chief U.S. District Judge



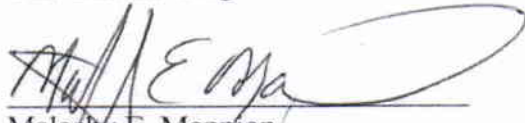
Yvette Kane
U.S. District Judge



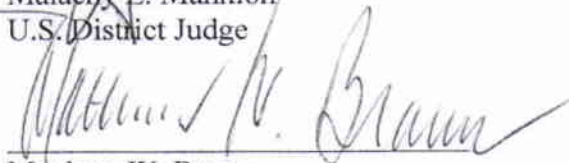
John E. Jones III
U.S. District Judge



Robert D. Mariani
U.S. District Judge



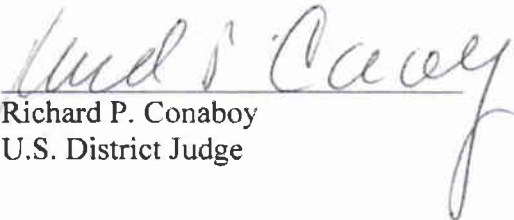
Malachy E. Mannion
U.S. District Judge



Matthew W. Brann
U.S. District Judge



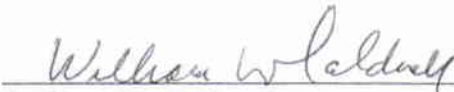
William J. Nealon
U.S. District Judge



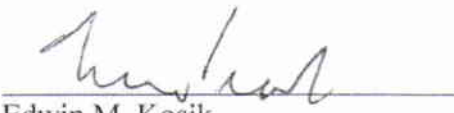
Richard P. Conaboy
U.S. District Judge



Sylvia H. Rambo
U.S. District Judge



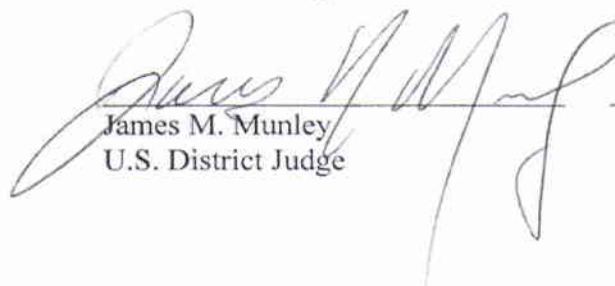
William W. Caldwell
U.S. District Judge



Edwin M. Kosik
U.S. District Judge



A. Richard Caputo
U.S. District Judge



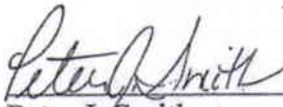
James M. Munley
U.S. District Judge

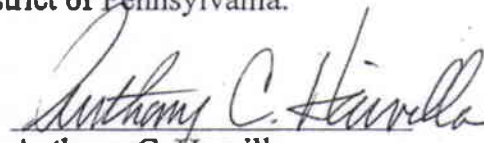
Signed: April 11, 2014

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PRETRIAL DIVERSION OPERATIONS AGREEMENT

The United States Attorney's Office and the Probation Office shall operate the Pretrial Diversion Program in accordance with the terms adopted by the U.S. District Court for the Middle District of Pennsylvania.


Peter J. Smith
United States Attorney


Anthony C. Harvilla
Chief Probation Officer

April 11, 2014
Date

***UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT
OF PENNSYLVANIA***

PRETRIAL DIVERSION PROGRAM

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
PRETRIAL DIVERSION PROGRAM

I. Legal Authority

Pursuant to 18 U.S.C. § 3154(10), the probation office shall, to the extent provided for in an agreement between the Chief Probation Officer and the U.S. Attorney, collect, verify, and prepare reports for the U.S. Attorney's Office pertaining to the pretrial diversion of any person who is or may be charged with an offense and perform such other duties as may be required under any such agreement.

II. Definition

Pretrial diversion is an alternative to prosecution which seeks to divert certain candidates from traditional criminal justice processing into a program of community supervision administered by the probation office. The Diversion Program may begin prior to or subsequent to the formal filing of charges. In either case, prosecution is suspended. If charges have been filed, they are dismissed following successful completion of the program. A candidate's participation in the Diversion Program shall be voluntary.

III. Objectives

The objectives of the Pretrial Diversion Program are to prevent future criminal activity by certain candidates against whom prosecutable cases exist; to save prosecutive and judicial resources; and to provide, where appropriate, a vehicle for restitution to victims of crime.

IV. Eligibility Criteria

An individual may be diverted when a prosecutable case exists and if the individual meets established criteria (Exhibit A).

V. Legal Representation

Candidates for pretrial diversion shall be represented by legal counsel. If an indigent individual is being considered for diversion prior to the filing of formal charges and is without counsel, the U.S. Attorney's Office shall refer the individual to the Federal Public Defender's Office or schedule an appearance before a U.S. Magistrate Judge for consideration of eligibility for the appointment of counsel.

VI. Referrals

The U.S. Attorney's Office shall be responsible for selecting persons to be considered for the Pretrial Diversion Program. If the Probation Office identifies a potential candidate, the Chief Probation Officer (or his/her designee) may request the U.S. Attorney (or his/her designee) to consider the person for the Pretrial Diversion Program. When the U.S. Attorney's Office identifies a case for referral to the Pretrial Diversion Program, the Assistant U.S. Attorney shall provide Defense Counsel or the candidate with the Application for Pretrial Diversion Program (Exhibit B). Defense Counsel shall discuss the program with the candidate and review the waiver of rights to a speedy trial and, if applicable, the presentment to a grand jury within the statute of limitations. If the candidate wishes to participate, Defense Counsel shall notify the U.S. Attorney's Office and

return the completed application. The Assistant U.S. Attorney shall then forward to the Chief Probation Officer a referral letter with a copy, if applicable, to the assigned judicial officer (Exhibit C), investigative reports, and a copy of the completed application. The Chief Probation Officer (or his/her designee) shall acknowledge the referral and identify the Probation Officer assigned to conduct the investigation (Exhibit D). No pretrial diversion investigation shall be initiated until a request is received from the U.S. Attorney's Office.

VII. Pretrial Diversion Report

The Probation Office shall conduct an investigation to assess the candidate's suitability for participation in the Pretrial Diversion Program and shall prepare a written report (Exhibit J) within 40 days after receipt of the U.S. Attorney's referral letter. The report shall include, but shall not be limited to, the following: Details of the Offense, Personal History, Prior Criminal Record, and Recommendation. The report shall also include whether the candidate accepts responsibility for the offense. Upon completion of the report, the Probation Officer shall provide a brief written summary of the case to a Judge on the Criminal Law Committee acting on behalf of the Court. If the Court does not concur with the recommendation of the Probation Officer, the Judge shall communicate with the Probation Officer within five (5) days of receipt of the written summary. If the Court interposes no objection, the Probation Officer shall provide the report and recommendation to the U.S. Attorney's Office and Defense Counsel. Defense Counsel shall return the report to the Probation Office when the candidate is

accepted or rejected for the Pretrial Diversion Program. A person's admission to the Pretrial Diversion Program shall be subject to the concurrence of the U.S. Attorney's Office and the Probation Office. If, during the investigation, the Probation Office determines that the candidate is not appropriate for the pretrial diversion program, the Chief Probation Officer (or his/her designee) shall advise the Assistant U.S. Attorney, Defense Counsel, and the Judicial Officer (if applicable) in writing of the reason for the recommendation.

VIII. Pretrial Diversion Agreement

When a person is approved for admission to the Pretrial Diversion Program, the Assistant U.S. Attorney shall prepare a Pretrial Diversion Agreement within seven (7) days of receiving the report. The agreement shall contain the terms and conditions of the Pretrial Diversion Program. The length of supervision is not to exceed 18 months. Persons admitted to the Pretrial Diversion Program shall abide by the standard conditions adopted by the Court and any special conditions included in the Pretrial Diversion Agreement (Exhibit E). The Assistant U.S. Attorney or the Probation Officer shall schedule a conference with the candidate, Defense Counsel, the Assistant U.S. Attorney, and the Probation Officer. At the conference, the terms and conditions of the Pretrial Diversion Program shall be reviewed and the Agreement executed by the parties. Supervision commences upon execution of the Agreement. If charges have been filed, the U.S. Attorney's Office shall, after execution of the Agreement, submit to the supervising Judicial Officer an Order dismissing the charges without prejudice (Exhibit F). If the

candidate is not admitted to the Pretrial Diversion Program, the Assistant U.S. Attorney shall so advise the Probation Officer and Defense Counsel. A candidate not admitted to the Pretrial Diversion Program is subject to prosecution.

IX. Supervision

The Probation Office shall supervise the person under the Pretrial Diversion Program in accordance with the terms and conditions of the Agreement.

A) Confidentiality

The Pretrial Diversion Agreement shall not be a public document, and the fact that a person is on pretrial diversion is confidential and shall not be disclosed, except as provided by law.

B) Third Party Risk

A determination of risk shall be made in each case. Factors to consider in making this evaluation are the facts of the case, the person's conduct, and prior criminal record. Consideration shall be given to the person's current employment and other circumstances which might present the person with an opportunity or temptation to engage in criminal or anti-social behavior related to the person's criminal background. At the onset of supervision and, thereafter, if the circumstances of the divertee change, the Probation Officer shall review the case to determine whether a reasonably foreseeable risk to a third party exists. Reasonably foreseeable risk means that the circumstances of the relationship between the divertee and the third party (e.g., employer and employee) suggest that the person may engage in a

criminal or anti-social manner similar or related to past conduct. Matters related to third party risk shall be reported to the U.S. Attorney's Office. Resolution of such issues shall be subject to the concurrence of the U.S. Attorney (or his/her designee) and the Chief Probation Officer (or his/her designee). Unresolved issues shall be referred to a Judge on the Criminal Law Committee.

C. Restitution

If, after conducting an investigation, it is determined that restitution is due, Pretrial Services Form 4 (Exhibit G) shall be completed by the Probation Officer and executed by a Judge on the Criminal Law Committee. The form shall be filed under seal in the Clerk's Office. Thereafter, the Clerk's Office shall receive and disburse restitution payments in accordance with the pretrial diversion agreement and in the manner in which restitution payments are received and disbursed for criminal judgments.

D. Flash Notices

Flash Notices and Access to Law Enforcement Systems (ATLAS) Supervised Release Files (SRF) are not entered for cases supervised under pretrial diversion agreements. Therefore, as part of the ongoing supervision process, officers shall conduct record checks via ATLAS and the Administrative Office of Pennsylvania Courts (AOPC) every 90 days, to determine whether there have been any law enforcement contacts.

E. Early Discharge

A divertee who has fulfilled the terms and conditions of the Pretrial Diversion Agreement may be granted an early discharge from the Pretrial Diversion Program. Termination prior to the expiration date shall be subject to the concurrence of the Assistant U.S. Attorney and Chief Probation Officer (or his/her designee).

X. Violations

The Probation Office shall immediately notify the Assistant U.S. Attorney assigned to the case of any apparent violation of the conditions and terms of the Pretrial Diversion Agreement. The U.S. Attorney's Office and the Probation Office shall confer regarding alleged violations. The Assistant U.S. Attorney, with the concurrence of the Chief Probation Officer (or his/her designee), may terminate a divertee from the Pretrial Diversion Program or may modify the conditions of the Pretrial Diversion Agreement. If the Assistant U.S. Attorney and Chief Probation Officer (or his/her designee) do not concur regarding violation issues, the matter shall be referred to a Judge on the Criminal Law Committee for resolution. The Assistant U.S. Attorney shall notify Defense Counsel and the divertee of any modification of the terms or termination of the Pretrial Diversion Agreement.

XI. Termination

Upon satisfactory completion of the Pretrial Diversion Program by the divertee, the Probation Office shall promptly provide written certification to the Assistant U.S. Attorney and, if applicable, the Judicial Officer (Exhibits H-1 and H-2). Upon receipt of that notification in cases where charges have previously been filed, the Assistant U.S. Attorney shall promptly prepare an Order for the supervising Judicial Officer dismissing the charges with prejudice (Exhibit I) and shall forward a copy of the Order of Dismissal to the divertee, Defense Counsel, and the Probation Office. If no formal charges were filed, the Assistant U.S. Attorney shall communicate to the divertee, Defense Counsel, and the Probation Office that no charges shall be filed.

ELIGIBILITY CRITERIA

The U.S. Attorney's Office, acting in accordance with Department of Justice policy, may divert any individual against whom a prosecutable case exists and who is not:

- 1) Accused of an offense which, under existing Department of Justice guidelines, should be diverted to the state for prosecution;
- 2) A person with two or more prior felony convictions;
- 3) A public official or former public official accused of an offense arising out of an alleged violation of a public trust;
- 4) Accused of an offense related to national security or foreign affairs; or
- 5) A person who fails to accept responsibility for having committed the alleged federal offense(s).

Exhibit A

APPLICATION FOR PRE-TRIAL DIVERSION PROGRAM

All answers must be complete

Use X marks where appropriate

1. Name _____ Phone No. () _____
Address _____
(Street) (City) (State) (Zip)
Length of Residence at Present Address _____
2. Age _____ 3. DOB _____ 4. Place of Birth _____
5. Sex _____ F _____ M 6. Social Security No. _____
7. Marital Status _____ Never Married _____ Married _____ Widow/Widower
_____ Separated _____ Divorced
8. No of Dependents _____ 0 _____ 1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 and over
9. Present Living Arrangements _____ Alone _____ w/Parent(s) _____ w/Spouse
_____ w/Relatives _____ w/Friend(s)
10. Education _____ Less than 8th grade _____ Less than 12th grade
_____ High School Graduate _____ Other
11. Vocation Training Completed _____ Yes _____ No; Type _____
12. Military Service _____ Yes _____ No; Branch _____
Type of Discharge _____ Date _____
13. Nearest Contact (Person who would usually know your whereabouts)
Name _____ Phone () _____
Address _____
(Street) (City) (State) (Zip)
Relationship to Defendant _____
14. Defense Attorney:
Name _____ Phone () _____
Address _____
(Street) (City) (State) (Zip)

Exhibit B

15. Present Employer _____ Phone No. () _____

Address _____
(Street) (City) (State) (Zip)

Date Employed _____ Occupation _____ Salary _____

16. Employment History (Begin with last previous place of employment*)

Name of Employer _____ Phone No. () _____

Address _____
(Street) (City) (State) (Zip)

Dates Employed: From _____ to _____ Occupation _____

Reason Left _____

Name of Employer _____ Phone No. () _____

Address _____
(Street) (City) (State) (Zip)

Dates Employed: From _____ to _____ Occupation _____

Reason Left _____

Name of Employer _____ Phone No. () _____

Address _____
(Street) (City) (State) (Zip)

Dates Employed: From _____ to _____ Occupation _____

Reason Left _____

Name of Employer _____ Phone No. () _____

Address _____
(Street) (City) (State) (Zip)

Dates Employed: From _____ to _____ Occupation _____

Reason Left _____

*List employment for the past six years. If you need additional space, use blank sheet of paper.

17. Source of Income _____ Employment (self) _____ Employment (spouse) _____
Unemployment Compensation (Amount \$ _____)
Public Assistance (Amount _____)
Parents _____ Relatives _____ Friends _____ Other _____

18. Prior Offense Record _____ None _____ Juvenile _____ Adult _____

Detailed Criminal History (Begin with first arrest)

<u>Date</u>	<u>Place</u>	<u>Charge(s)</u>	<u>Disposition</u>
-------------	--------------	------------------	--------------------

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I hereby apply for status as a participant in the pretrial diversion program. I authorize the probation office to conduct an investigation to determine my suitability for this program.

A false answer to any question in this application may be grounds for recommendation against placement into this program or removal after placement in the program, in which case, the U.S. Attorney may resume prosecution on the original charge.

Applicant

Date _____

Attorney for Applicant

Date

MEMORANDUM

To: **Anthony C. Harvilla**
Chief Probation Officer

FROM: _____
Assistant U.S. Attorney

SUBJECT: _____
PTD Referral

I am recommending pretrial diversion for _____ who has been reported to have violated Title __, United States Code, Section _____.

I have enclosed the investigative reports and Application for Pretrial Diversion. Upon completion of the investigation, please submit a report and recommendation to the U.S. Attorney's Office.

cc: Judicial Officer (if applicable)

Exhibit C

Date

MEMORANDUM

To: Assistant U.S. Attorney

FROM: Anthony C. Harvilla
Chief Probation Officer

SUBJECT: John Doe
PTD Referral

This will acknowledge receipt of your correspondence.

Our office will conduct a Pretrial Diversion Investigation. This case has been assigned to Probation Officer _____.

Exhibit D

MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

AGREEMENT FOR PRETRIAL DIVERSION

It appearing that you are reported to have committed an offense against the United States on or about _____ in violation of Title ____, United States Code, Section(s) _____ in that you did: _____.

Upon accepting responsibility for your behavior and by your signature on this Agreement, it appearing, after an investigation of the offense and your background, that the interest of justice will be served by the following procedure; therefore,

On the authority of the Attorney General of the United States, by the United States Attorney for the Middle District of Pennsylvania, prosecution in this District for this offense shall be deferred for the period of ____ months from this date, provided you abide by the following conditions and requirements of this Agreement set out below.

Should you violate any condition of this Agreement, the United States Attorney (or his/her designee), with the concurrence of the Chief Probation Officer (or his/her designee), may terminate you from the Pretrial Diversion Program or may modify the conditions of the Pretrial Diversion Agreement. In no event shall the term of supervision exceed 18 months. The United States Attorney may release you from supervision at any time. The United States Attorney may at any time within the period of your supervision, initiate prosecution for this offense should you violate any condition of this Agreement. In this case, he/she will furnish you with notice specifying the condition of the Agreement which you have violated.

After successfully completing your diversion program and fulfilling all the terms and conditions of the Agreement, no prosecution for the offense set forth in this Agreement will be instituted in this District, and the charges against you, if any, will be dismissed.

Neither this Agreement nor any other document filed with the United States Attorney as a result of your participation in the Pretrial Diversion Program shall be used against you, except for impeachment purposes, in connection with any prosecution for the above-described offense.

Exhibit E

Standard Conditions

- 1) You shall not commit a federal, state, or local crime during the term of supervision.
- 2) You shall not leave the judicial district without the permission of the probation officer;
- 3) You shall report to the probation officer and shall submit a truthful and complete monthly supervision report;
- 4) You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 5) You shall support your dependents and meet other family responsibilities;
- 6) You shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 7) You shall notify the probation officer at least ten days prior to any change in residence or employment;
- 8) You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 9) You shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 10) You shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 11) You shall permit a probation officer to visit you at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 12) You shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 13) You shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;

- 14) As directed by the probation officer, you shall notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the your compliance with such notification requirement; and
- 15) You shall notify the court of any material change in your economic circumstances that might affect your ability to pay restitution.

Special Conditions

(May include, but are not limited to, performance of community service, payment of restitution, participation in substance abuse or mental health treatment, and surrender of a driver's license or a professional license.)

I understand that if I violate the conditions of supervision, I may be removed from the pretrial diversion program and prosecuted by the United States Attorney.

I assert and certify that I am aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. I also am aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information or in bringing a defendant to trial. I hereby request the United States Attorney for the Middle District of Pennsylvania to defer such prosecution. I agree and consent that any delay from the date of this Agreement to the date of initiation of prosecution, as provided for in the terms expressed therein, shall be deemed to be a necessary delay at my request, and I waive any defense to such prosecution on the ground that such delay operated to deny my rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of months equal to the period of this agreement.

I hereby state that the above has been read and explained to me. I understand the conditions of my pretrial diversion program and agree that I will comply with them.

Divertee Date

Defense Counsel Date

Assistant U.S. Attorney Date

Probation Officer Date

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

V.

Dkt. No. _____

ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and by leave of Court endorsed hereon, the United States Attorney for the Middle District of Pennsylvania hereby dismisses _____ against _____
(Indictment, Information, Complaint, Violation Notice) (Name of Defendant)

This dismissal is without prejudice.

United States Attorney

Leave of Court is granted for the filing of the foregoing dismissal.

United States District Judge

Date: _____

Exhibit F

PRETRIAL DIVERSION AGREEMENT
IN THE UNITED STATES DISTRICT COURT

_____ DISTRICT _____

IN RE _____
(Name of Divertee)

File No. _____

(Or, if case filed)

UNITED STATES OF AMERICA

Case No. _____

V.

Defendant

The court has been advised that _____ has entered into a pretrial
(Divertee/Defendant)
diversion agreement dated _____, with the United States Attorney's office. A copy of the
agreement is attached to this order and is incorporated by reference.

The pretrial diversion agreement includes a condition that requires _____
(Divertee/Defendant)
to make restitution in the amount of \$ _____ to _____
(Address(es))

(Address(es))

It is ORDERED that the clerk of the court accept and receive restitution payments from
_____ and disburse them to _____
(Divertee/Defendant) (Address(es))

(Address(es))

in accordance with the pretrial diversion agreement and in the manner in which restitution payments are received
and disbursed for criminal judgments.

Name and Title of Judge

Signature of Judge

Date

Exhibit G

(No Charges Filed)

**CERTIFICATION OF COMPLETION
OF PRETRIAL DIVERSION PROGRAM**

Attention: _____
Assistant U.S. Attorney

Re: _____

Dear _____:

I hereby **certify** that the subject has complied with the conditions and terms set forth in the Pretrial Diversion Agreement.

Sincerely,

U.S. Probation Officer

cc: _____
Defense Counsel

Exhibit H-1

(Charges Filed)

**CERTIFICATION OF COMPLETION
OF PRETRIAL DIVERSION PROGRAM**

Attention: _____
Assistant U.S. Attorney

Re: _____

Dear _____:

I hereby certify that the subject has complied with the conditions and terms set forth in the Pretrial Diversion Agreement.

Please furnish a copy of the Order of Dismissal With Prejudice.

Sincerely,

U.S. Probation Officer

cc: _____
Defense Counsel

Exhibit H-2

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

Criminal No. _____

ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and leave of court endorsed hereon, the United States Attorney for the Middle District of Pennsylvania hereby dismisses the _____ against _____ for the reason
(Indictment, Information, Complaint) (Defendant)

that the defendant satisfactorily completed the Pretrial Diversion Program. This dismissal is with prejudice.

Assistant United States Attorney

Leave of Court is granted for the filing of the foregoing dismissal.

United States District Judge

Exhibit I

**PRETRIAL DIVERSION REPORT
MIDDLE DISTRICT OF PENNSYLVANIA**

Name (Last, First, Middle) SANCHEZ, Christian Anthony					
Mailing Address 12 Atlantic Avenue, Apt. 2 Little Silver, PA 18555			Employment Address Greater Life Securities, Inc. 222 Smith Street Breaker Bay, PA 18554		Docket Number Violation Notice 123456
					Social Security No. 150-40-8684
					Citizenship U.S.
Time at Address 4 months	Time in Community Lifelong resident		Gross Monthly Income \$1,500		Time in Empl./School 3 months
Age 22	Race White	Date of Birth 3/15/90	Place of Birth Breaker Bay, PA	Sex Male	Education College graduate
Marital Status Single			Dependents Self only		
Offense Operating Under the Influence With a BAC Above .08% [36 CFR 4.23(a-2)]					
Release Bond [If Applicable] 7/22/12: Released on personal recognizance				Arrest Date [If Applicable] Not arrested	
Other Defendants [If Applicable] None					
Assistant United States Attorney Michael Ross P.O. Box 999 Breaker Bay, PA 18554 (717) 555-1212			Defense Counsel [Name, Address and Telephone] Bertha Robinson Assistant Federal Public Defender Breaker Bay, PA 18554 (717) 555-1122		
U.S. Pretrial Services Officer Denise Hart					Date October 1, 2012

Exhibit J

Re: Christian Anthony Sanchez

Page 2

OFFENSE:

On July 22, 2012, National Park Service rangers stationed at the Delaware Water Gap National Recreation Area observed a vehicle traveling north on Route 209. The vehicle swerved abruptly into the southbound lane and returned to the northbound lane. After traffic in front of the vehicle made a lefthand turn, the vehicle drove away at a high rate of speed.

The rangers stopped the vehicle and identified the operator as Christian Sanchez. The subject's girlfriend was a passenger. The rangers detected an odor of alcoholic beverages. A breathalyzer revealed a BAC of .089% (legal limit is up to .08%).

Christian Sanchez was issued a citation for Operating Under the Influence With a BAC Above .08% and was released on personal recognizance to the custody of his girlfriend.

In an interview with the probation officer, the subject indicated that he and his girlfriend were en route home from a party. He reportedly had consumed three beers.

CANDIDATE'S PERSONAL HISTORY:

Christian Anthony Sanchez was born on March 15, 1990, in Breaker Bay, Pennsylvania. He is the younger of two children born to Roger and Doris (nee Sherman) Sanchez. His father, 55, is a banker. The subject's mother, 52, is a bookkeeper. They reside in Breaker Bay. A sister, Diane, 18, is a freshman at Smith College, Green Valley, Pennsylvania. Though the subject reports a close relationship with his parents and sister, they are not aware of the pending charges.

In June 2008, Christian Sanchez graduated from Ewing High School, Breaker Bay. On May 30, 2012, he earned a Bachelor of Science degree in Business Administration from Bucknell University, Lewisburg, Pennsylvania.

Christian Sanchez has not married and has no children. Since February 2012, he has dated Felicia Gregory. Ms. Gregory, 21, attends Bucknell University. She was present when the subject was stopped by rangers on July 22, 2012. In her opinion, Christian Sanchez does not have a drinking problem and was driving erratically only because he was texting a friend. She remains supportive.

Until June 15, 2012, with the exception of when he attended Bucknell University, Christian Sanchez resided with his parents in Breaker Bay. Since June 15, 2012, he and Felicia Gregory have lived in a modestly furnished one bedroom apartment in Little Silver, Pennsylvania.

Re: Christian Anthony Sanchez

Since July 1, 2012, Christian Sanchez has been employed as an administrative assistant at Fortunato Industries, Franklin Hills, Pennsylvania. He earns \$375 weekly. His employer is not aware of the pending charge.

Prior to June 2012, the subject worked seasonally as a laborer at Antonio's Pumpkin Farm, Breaker Bay. He earned minimum wage.

Christian Sanchez reports good physical health. He denies the use of illicit drugs and reportedly consumes four or five beers weekly. Although the subject describes the instant offense as "an anomaly," he is amenable to treatment. It is noted that a drug screen secured at the time of the pretrial diversion interview tested negative for illicit drugs. There is no history of psychiatric problems.

PRIOR CRIMINAL RECORD:

None

RECOMMENDATION:

Pretrial Services recommends that Christian Sanchez be placed into the Pretrial Diversion program for a period of six (6) months under the general conditions. As part of our supervision plan, the subject will be required to undergo an alcohol evaluation and possible treatment.

Respectfully submitted,

Denise Hart
U.S. Probation Officer

United States Probation Office
MIDDLE DISTRICT OF PENNSYLVANIA

Memorandum

TO: The Honorable William J. Nealon
U.S. District Judge

FROM: Denise Hart
U.S. Probation Officer

DATE: October 1, 2012

SUBJECT: Christian Anthony Sanchez
Pretrial Diversion Summary

The Government alleges that on July 22, 2012, Christian Sanchez operated a motor vehicle in an erratic manner at the Delaware Water Gap Recreation Area while under the influence of alcohol. A blood alcohol test revealed a BAC of .089% (legal limit is up to .08%).

Christian Sanchez, 22, has no prior criminal record. He has not married and has no children.

On May 30, 2012, the subject earned a Bachelor of Science degree in Business Administration from Bucknell University, Lewisburg, Pennsylvania. Since June 1, 2012, Christian Sanchez has been employed as an administrative assistant at Fortunato Industries, Franklin Hills, Pennsylvania. He earns \$375 weekly. His employer is not aware of the pending charge.

According to the subject, he generally consumes four or five alcoholic beverages weekly. Although he does not feel that his drinking is problematic, he is amenable to treatment if deemed necessary. There is no evidence of illicit drug use.

Our office recommends that the defendant be placed in the Pretrial Diversion Program for six (6) months under the general conditions. As part of our supervision plan, the subject will be required to undergo an alcohol evaluation and possible treatment.

If the Court interposes no objection, the report and recommendation will be provided to government counsel and defense counsel.

Approved: _____

Date: _____